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## REMARKS/DISCUSSION OF ISSUES

By this Amendment, Applicants cancel claim 16 without disclaimer of the underlying subject matter or prejudice against subsequent prosecution. Applicants also amend claims 1, 10 and 15. Accordingly, claims 1-15 and 17-20 are pending in the application.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

### 35 U.S.C. § 112

The Office Action rejects claims 10-11 under 35 U.S.C. § 112.

By this Amendment, Applicants amend claim 10 for clarification.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claims 10-11 under 35 U.S.C. § 112.

### 35 U.S.C. § 103

The Office Action rejects The Office Action rejects: claims 1, 3-4, 8, 10-11, 15 and 17-18 under 35 U.S.C. § 103 over Fuller, III et al. U.S. Patent 7,134,081 ("Fuller") in view of Robison et al. U.S. Patent Publication No. 2005/0060693 ("Robinson"); claims 2 and 9 under 35 U.S.C. § 103 over Fuller in view of Robison and further in view of Durian et al. U.S. Patent Publication No. 2002/0025832 ("Durian"); claims 5-7, 12-13 and 19 under 35 U.S.C. § 103 over Fuller in view of Robison and further in view of Hall et al. U.S. Patent 5,974,541 ("Hall"); and claim 20 under 35 U.S.C. § 103 over Fuller in view of Robison and further in view of Dobson et al. U.S. Patent 6,766,386 ("Dobson"). [1]

Applicants respectfully traverse those rejections for at least the following reasons.

Claim 1

Among other things, the method of claim 1 includes: (1) receiving at an

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[1] Applicants note that the Office Action fails to explicitly articulate any ground of rejection for claim 14. See M.P.E.P. §§ 706.02(j) and 707.07(d).

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instrument via a communication link a communication from a client comprising a processor and a memory, the communication comprising one of an SCPI protocol command and SCPI protocol query; (2) when the communication is a SCPI protocol command, converting the SCPI protocol command to a .NET protocol command; and (3) when the communication is a SCPI protocol query, converting the SCPI protocol command to a .NET protocol query.

Fuller discloses a user-operable software application for a computer system that: (1) identifies one or more instruments connected to the computer; (2) receives from a user a selection of a connected instrument and a command; (3) sends the command to the selected instrument; (4) parse display a response received back from the instrument; and (5) generate code ("query blocks") to programmatically perform the same functions as were interactively performed by the user in steps (1) through (4).

Robison is directed to software code for a computer which parses command strings entered by a user in a command-line interface (CLI) in an object-oriented (OO) computer environment.

Neither Fuller nor Robison nor any combination thereof teaches receiving at an instrument, via a communication link, a command, and converting the command from a first (SCPI) protocol to a second (.NET) protocol.

Therefore no combination of Fuller nor Robison could ever produce the method of claim 1.

Also among other things, the method of claim 1 includes: (1) when the communication is a SCPI protocol command, evaluating a .NET protocol command that was converted from the SCPI protocol command to determine the validity of parameters sent from the client with the SCPI protocol command; and (2) when the communication is a SCPI protocol query, evaluating a .NET protocol query that was converted from the SCPI protocol query to determine the validity of parameters sent from the client with the SCPI protocol query.

The Office Action states that Fuller discloses "*the idea of converting one form of data to another.*"

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Applicants respectfully submit that they have not broadly claimed "*converting one form of data to another.*" Instead, in claim 1, Applicants have very specifically claimed converting an SCPI protocol command (or query) received at an instrument to a .NET protocol command (or query), and then evaluating the .NET protocol command (or query) that was converted from the SCPI protocol command (query) to determine the validity of parameters sent from the client with the SCPI protocol command (or query).

The Office Action also states that <u>Fuller</u> and <u>Robison</u> each disclose parsing.

Claim 1 does not recite any parsing step.

The Office Action further states that <u>Robison</u> discloses protocol translation at page 2, paragraph 0022.

Applicants respectfully disagree.

Here is the text of <u>Robison</u> at page 2, paragraph [0022]:

> **[0022]**  Another embodiment of the present invention permits the command string to be syntactically matched by the command processor code portion and all parameter values within the command string to be converted to their corresponding data objects, which can then be further validated, before any action handler code is invoked to actually execute the task that corresponds to the command. In this way the code that executes the task that corresponds to the command needs to deal only with the data objects that were produced from successfully parsing the command string, providing a distinct separation of that code from the non-essential features associated with syntax specification of the command that invoked the task.

Applicants respectfully submit that the above-reproduced text (in the context of paragraphs [0018] –[0021] discloses that when a command string is parsed, parameter values within the command string are converted to data objects which are validated before the command corresponding to the parameter is executed. So, <u>Robison</u> discloses a method of converting character-strings into data objects. That is,

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Robison is concerned with converting a command for a computer system from one syntax to another.

Applicants respectfully submit that it is apparent that nothing in the above-reproduced text mentions or even suggests anything to do with any protocols – or converting commands or queries from a first protocol into a second protocol. Applicants also respectfully submit that it is apparent that nothing in the above-reproduced text could be construed in any way to suggest modifying Fuller to convert an SCPI protocol command (or query) to a .NET protocol command (or query), and then evaluating the .NET protocol command (or query) to determine the validity of parameters sent from a client with the SCPI protocol command (or query).

So again, Applicants respectfully submit that no combination of Fuller and Robison would ever produce a method including these features.

Finally, Applicants respectfully traverse the proposed combination of Fuller and Robison.

A rejection on obviousness grounds under 35 U.S.C. § 103 cannot be sustained by mere conclusory statements: instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also KSR International Co. v. Teleflex Inc., 550 U.S. ___, 82 USPQ2d 1385, 1396 (2007) (quoting Federal Circuit statement with approval).

Here Applicants respectfully submit that the Office Action fails to articulate reasons with rational underpinnings for the proposed combination.

As noted above, Fuller parses **responses** from the instrument to present the results in a meaningful way to the user. Applicants respectfully submit that Fuller does not execute any tasks using parameters of such responses. Applicants respectfully submit that the Office Action fails to articulate a reason with rational underpinnings based on objective teachings in the prior art as to why one of skill in the art at the time the invention was made would have modified Fuller to convert any SCPI protocol **command** (or query) to a .NET protocol **command** (or query), and

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then **evaluate** the .NET protocol command (or query) to determine the validity of parameters sent from a client with the SCPI protocol command (or query).

Accordingly, for at least these reasons, Applicants respectfully submit that claim 1 is patentable over the cited art.

Claims 3-4

Claims 3-4 depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to claim 1.

Claim 8

Among other things, in the computer readable memory device of claim 8, the instructions include: (1) when a communication is a SCPI protocol command from a client, converting the SCPI protocol command to a .NET protocol command, and evaluating the .NET protocol command to determine the validity of parameters sent from the client with the SCPI protocol command; and (2) when the communication is a SCPI protocol query from the client, converting the SCPI protocol query to a .NET protocol query, and evaluating the .NET protocol query to determine the validity of parameters sent from the client with the SCPI protocol query.

For similar reasons to those set forth above with respect to claim 1, Applicants respectfully traverse the proposed combination of Fuller and Robison and furthermore respectfully submit that, in any event, no combination of Fuller and Robison would ever produce a device including the features of claim 8.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 1 is patentable over the cited art.

Claims 10-11

Claims 10-11 depend from claim 8 and are deemed patentable for at least the reasons set forth above with respect to claim 8.

Claim 15

Among other things, the system of claim 15 includes a format converter configured to receive a Standard Commands for Programmable Instrumentation (SCPI) protocol communication from a client and to convert a stream format of the SCPI protocol communication into a .NET stream format.

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Applicants respectfully submit that the cited art does not disclose or suggest any system that includes such a format converter.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 15 is patentable over the cited art.

Also among other things, the system of claim 15 includes a parser configured to translate commands and queries of the communication having the .NET stream format from the SCPI protocol into a .NET protocol.

Applicants respectfully submit that the cited art does not disclose or suggest any system that includes such a parser.

Accordingly, for at least these additional reasons, Applicants respectfully submit that claim 15 is patentable over the cited art.

Also among other things, the system of claim 15 includes an evaluator module, configured to evaluate .NET protocol commands and queries to determine the validity of parameters sent from the client with the SCPI protocol communication.

Again, Applicants respectfully submit that the Office Action provides no rationale for modifying Fuller to evaluate .NET protocol commands and queries to determine the validity of parameters sent from the client with the SCPI protocol communication. For similar reasons to those set forth above with respect to claim 1, Applicants respectfully submit that the supposed "reasons" for modifying Fuller that are stated in the Office Action do not make sense in the context of the instrument I/O assistant Fuller discloses, and lack rational underpinnings.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 15 is patentable over the cited art.

Claims 17-18

Claims 17-18 depend from claim 15 and are deemed patentable for at least the reasons set forth above with respect to claim 15.

Claims 2, 5-7, 9, 12-14 and 19-20

Claims 2, 5-7, 9, 12-14 and 19-20 depend variously from claims 1, 8 and 15. Applicants respectfully submit that Durian, Hall, and Dobson do not remedy the shortcomings of Fuller and Robison as set forth above with respect to claims 1, 8 and

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15.

Accordingly, Applicants respectfully submit that claims 2, 5-7. 9, 12-14 and 19-20 are patentable for at least the reasons set forth above with respect to claims 1, 8 and 15.

## CONCLUSION

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-15 and 17-20, and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

VOLENTINE & WHITT

Date:  2 March 2009          By:  _____
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